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From: gtb@beery-law.com
Sent: Tuesday, May 17, 2011 8:27 PM
To: Khan, Annie (DPH)
Subject: Re: Questions

Thanks, Annie. Your time and assistance are greatly appreciated!

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<=Sent From My BlackBerry Wireless=>

-----Original Message-----

From: "Khan, Annie (DPH)" <annie.khan@state.ma.us>
Date: Tue, 17 May 2011 20:03:04
To: gtb@beery-law.com<gtb@beery-law.com>
Subject: Questions

Sorry for the late response. Hope this helps.

I take it that the attached version of Part III B was in effect when the drugs in this case were tested? Is that right? Yes

Table 1 lists "Color Tests" under Category C. Would this include the cobalt thiocyanate spot test? All spot tests? Yes

Would the GC-MS testing in this case count as one or two techniques/methods? Section 3.4 says that GC and MS "will be considered as separate techniques provided that the results from each are used." Seems to me that the answer hinges on the meaning of the word "used." If I understand the testing that was done in this case, GC was used to separate the component parts of each sample and MS was used to identify each part. Given that scenario, while the GC was "used" to separate the component parts, only the MS was "used" to actually identify the cocaine. Is that right? Yes, we consider it two separate tests.

Would the Gold Chloride test and the TLTA test count as one technique/method, given that they both fall under "Microcrystalline Tests"? At the Lab, we consider it two tests, under the same category. We must perform both tests for presence of cocaine.

Also, section 3.2 states that a lab need not use any Category A technique/method (which includes Mass Spectrometry) so long as three different validated methods are employed. At the same time, my understanding is that your lab requires GC-MS in all cases (or, at least, in all cases involving suspected powder cocaine). Did I miss something? Does your lab have an additional policy? We require reviewable data. Therefore, for Class A -D, except for marijuana, we do GC/MS on the sample. Please understand, the SWGDRUG recommends these as minimum standards for drug analysis and it is up to the lab to have higher expectations for analysis by its chemists.

My understanding is that there are eight forms of cocaine: pseudo (D and L), allo (D and L), pseudo-allo (D and L), and cocaine (D and L). Did I get that right? Yes

It is also my understanding that only L-allo and L-cocaine qualify under Mass law. Is that right? No, only L-cocaine is controlled in Mass.

And can you forward the statute/regulation that limits the definition of cocaine under Mass law to L and non-synthetic forms? I believe it is MGL Chapter 94C Section 31 Class B #4

Does the Cobalt Thiocyanate spot test discriminate between the eight forms of cocaine? How about the Gold Chloride or the TLTA microcrystalline tests? Cobalt Thiocyanate is a non specific test. It gives a presumptive direction to proceed in the analysis. It does not discriminate the forms of cocaine. If the cobalt changes from pink to blue, this indicates that cocaine maybe present. Then we perform the microcrystalline test. The AuCl will eliminate the presence of 6 of the enantiomers of cocaine. Then the TLTA will distinguish the presences of L cocaine.

Annie
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